

SENATE BILL No. 458

DIGEST OF INTRODUCED BILL

Citations Affected: IC 1-1-4-5; IC 4-4-18-8; IC 4-15; IC 5-16-6-1; IC 7.1-3; IC 8-23-2-3; IC 10-13-3-1; IC 12-20-5.5-1; IC 12-30; IC 16-23-1-21; IC 20-1-19-14; IC 20-5.5-2-2; IC 20-8.1-2; IC 20-12; IC 21-2-1-3; IC 22-9; IC 22-9.5; IC 27-7-12-7; IC 33-4; IC 35-46-2; IC 36-9-4-37.

Synopsis: Discrimination based on sexual orientation. Extends anti-discrimination statutes to include prohibiting discrimination based on sexual orientation and gender identity throughout the Indiana Code.

Effective: July 1, 2004.

Howard

January 13, 2004, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 458

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 1-1-4-5, AS AMENDED BY P.L.170-2002,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 5. The following definitions apply to the
4 construction of all Indiana statutes, unless the construction is plainly
5 repugnant to the intent of the general assembly or of the context of the
6 statute:

7 (1) "Adult", "of full age", and "person in ~~his~~ **the person's**
8 majority" mean a person at least eighteen (18) years of age.

9 (2) "Attorney" includes a counselor or other person authorized to
10 appear and represent a party in an action or special proceeding.

11 (3) "Autism" means a neurological condition as described in the
12 most recent edition of the Diagnostic and Statistical Manual of
13 Mental Disorders of the American Psychiatric Association.

14 (4) "Bond" does not necessarily imply a seal.

15 (5) "Clerk" means the clerk of the court or a person authorized to
16 perform the clerk's duties.

17 (6) **"Gender identity" means an individual's self-identification**



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as a male or a female, regardless of the individual's biological sex.

(7) "Health record", "hospital record", or "medical record" means written or printed information possessed by a provider (as defined in IC 16-18-2-295) concerning any diagnosis, treatment, or prognosis of the patient, unless otherwise defined. Except as otherwise provided, the terms include mental health records and drug and alcohol abuse records.

~~(7)~~ (8) "Highway" includes county bridges and state and county roads, unless otherwise expressly provided.

~~(8)~~ (9) "Infant" or "minor" means a person less than eighteen (18) years of age.

~~(9)~~ (10) "Inhabitant" may be construed to mean a resident in any place.

~~(10)~~ (11) "Judgment" means all final orders, decrees, and determinations in an action and all orders upon which executions may issue.

~~(11)~~ (12) "Land", "real estate", and "real property" include lands, tenements, and hereditaments.

~~(12)~~ (13) "Mentally incompetent" means of unsound mind.

~~(13)~~ (14) "Money demands on contract", when used in reference to an action, means an action arising out of contract when the relief demanded is a recovery of money.

~~(14)~~ (15) "Month" means a calendar month, unless otherwise expressed.

~~(15)~~ (16) "Noncode statute" means a statute that is not codified as part of the Indiana Code.

~~(16)~~ (17) "Oath" includes "affirmation", and "to swear" includes to affirm.

~~(17)~~ (18) "Person" extends to bodies politic and corporate.

~~(18)~~ (19) "Personal property" includes goods, chattels, evidences of debt, and things in action.

~~(19)~~ (20) "Population" has the meaning set forth in IC 1-1-3.5-3.

~~(20)~~ (21) "Preceding" and "following", referring to sections in statutes, mean the sections next preceding or next following that in which the words occur, unless some other section is designated.

~~(21)~~ (22) "Property" includes personal and real property.

~~(22)~~ (23) "Sheriff" means the sheriff of the county or another person authorized to perform sheriff's duties.

~~(23)~~ (24) "State", applied to any one (1) of the United States, includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and

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the territories. "United States" includes the District of Columbia and the commonwealths, possessions, states in free association with the United States, and the territories.

~~(24)~~ **(25)** "Under legal disabilities" includes persons less than eighteen (18) years of age, mentally incompetent, or out of the United States.

~~(25)~~ **(26)** "Verified", when applied to pleadings, means supported by oath or affirmation in writing.

~~(26)~~ **(27)** "Will" includes a testament and codicil.

~~(27)~~ **(28)** "Without relief" in any judgment, contract, execution, or other instrument of writing or record, means without the benefit of valuation laws.

~~(28)~~ **(29)** "Written" and "in writing" include printing, lithographing, or other mode of representing words and letters. If the written signature of a person is required, the terms mean the proper handwriting of the person or the person's mark.

~~(29)~~ **(30)** "Year" means a calendar year, unless otherwise expressed.

~~(30)~~ **(31)** The definitions in IC 35-41-1 apply to all statutes relating to penal offenses.

SECTION 2. IC 4-4-18-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. A political subdivision (as defined in IC 36-1-2-13), a not-for-profit organization, or a for profit organization may submit an application to the corporation to obtain a grant, loan, or loan guarantee to establish a small business incubator. The application must:

- (1) describe the facility that is to be converted to an incubator;
- (2) specify the cost of the conversion;
- (3) demonstrate the ability of the applicant to directly provide or arrange for the provision of business development services (including financial consulting assistance, management and marketing assistance, and physical services) for tenants of the incubator;
- (4) demonstrate a potential for sustained use of the incubator by eligible tenants, through a market study or other means;
- (5) demonstrate the ability of the applicant to operate the incubator in accordance with section 20 of this chapter;
- (6) state that the applicant will not discriminate against an employee or applicant for employment on the basis of race, religion, color, national origin, sex, **sexual orientation, gender identity**, or age; and
- (7) include any other information required by the corporation.

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SECTION 3. IC 4-15-2-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 35. Any regular employee may file a complaint if ~~his~~ **the employee's** status of employment is involuntarily changed or if ~~he~~ **the employee** deems conditions of employment to be unsatisfactory. However, the complaint procedure shall be initiated as soon as possible after the occurrence of the act or condition complained of and in no event shall be initiated more than thirty (30) calendar days after the employee is notified of a change in ~~his~~ **the employee's** status of employment or after an unsatisfactory condition of employment is created. Failure to initiate the complaint procedure within such time period shall render the complaint procedure unavailable to the employee. The following complaint procedure shall be followed:

Step I: The complaint procedure shall be initiated by a discussion of the complaint by the employee and ~~his~~ **the employee's** immediate supervisor and, if a mutually satisfactory settlement has not been made within two (2) consecutive working days, such complaint may be referred to Step II.

Step II: The complaint shall be reduced to writing and presented to the intermediate supervisor. If a mutually satisfactory settlement has not been reached within four (4) consecutive working days, such complaint may then be referred to the appointing authority.

Step III: The appointing authority or ~~his~~ **the appointing authority's** designated representative shall hold such hearings and conduct such investigations as ~~he~~ **the appointing authority** deems necessary to render a decision and shall make such decision in writing within ten (10) consecutive working days.

Should the appointing authority or ~~his~~ **the appointing authority's** designated representative not find in favor of the employee, the complaint may be submitted within fifteen (15) calendar days to the state personnel director. The director or ~~his~~ **the director's** designee shall review the complaint and render a decision within fifteen (15) calendar days. If the decision is not agreeable to the employee, an appeal may be submitted by the employee in writing to the commission no later than fifteen (15) calendar days from the date the employee has been given notice of the action taken by the personnel director or ~~his~~ **the personnel director's** designee. After submission of the appeal, the commission shall, prior to rendering its decision, grant the appealing employee and the appointing authority a public hearing, with the right to be represented and to present evidence. With respect to all appeals, the commission shall render its decision within thirty (30) days after the date of the hearing on the appeal. If the commission finds that the

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1 action against the employee was taken on the basis of politics, religion,
 2 sex, age, race, **sexual orientation, gender identity**, or because of
 3 membership in an employee organization, the employee shall be
 4 reinstated to ~~his~~ **the employee's** position without loss of pay. In all
 5 other cases the appointing authority shall follow the recommendation
 6 of the commission, which may include reinstatement and payment of
 7 salary or wages lost by the employee, which may be mitigated by any
 8 wages the employee earned from other employment during a dismissed
 9 or suspended period.

10 If the recommendation of the commission is not agreeable to the
 11 employee, the employee, within fifteen (15) calendar days from receipt
 12 of the commission recommendation, may elect to submit the complaint
 13 to arbitration. The cost of arbitration shall be shared equally by the
 14 employee and the state. ~~of Indiana~~. The commissioner of labor shall
 15 prepare a list of three (3) impartial individuals trained in labor
 16 relations, and from this list each party shall strike one (1) name. The
 17 remaining arbitrator shall consider the issues which were presented to
 18 the commission and shall afford the parties a public hearing with the
 19 right to be represented and to present evidence. The arbitrator's
 20 findings and recommendations shall be binding on both parties and
 21 shall immediately be instituted by the commission.

22 SECTION 4. IC 4-15-3-2 IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2004]: Sec. 2. Appointments to, and promotions
 24 in engineering positions in the engineering service of any department,
 25 commission, bureau, board, or division of the state ~~of Indiana~~ shall be
 26 made only according to merit and fitness. No person in the engineering
 27 service of any department, commission, bureau, board, or division of
 28 the state ~~of Indiana~~ or seeking admission thereto, shall be appointed,
 29 promoted, or in any way favored or discriminated against because of
 30 ~~his~~ **the person's** race, religion, color, sex, **sexual orientation, gender**
 31 **identity**, national origin, or ancestry.

32 SECTION 5. IC 4-15-12-2 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. The state is
 34 committed to an affirmative action policy that includes the
 35 establishment of employment policies and conditions that ensure the
 36 elimination of underutilization of qualified members of affected classes
 37 and the elimination of discrimination on the basis of race or color,
 38 religion, national origin or ancestry, age, sex, **sexual orientation,**
 39 **gender identity**, and disability.

40 SECTION 6. IC 5-16-6-1 IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2004]: Sec. 1. Every contract for or on behalf
 42 of the state of Indiana or any of the municipal corporations thereof, for

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the construction, alteration, or repair of any public building or public work in ~~the state of~~ Indiana shall contain provisions by which the contractor agrees:

(a) That in the hiring of employees for the performance of work under this contract or any subcontract hereunder, no contractor, or subcontractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race, religion, color, sex, **sexual orientation, gender identity**, national origin, or ancestry, discriminate against any citizen of ~~the state of~~ Indiana who is qualified and available to perform the work to which the employment relates;

(b) That no contractor, subcontractor, nor any person on ~~his~~ behalf **of a contractor or subcontractor** shall, in any manner, discriminate against or intimidate any employee hired for the performance of work under this contract on account of race, religion, color, sex, **sexual orientation, gender identity**, national origin, or ancestry;

(c) That there may be deducted from the amount payable to the contractor by the state ~~of Indiana~~ or by any municipal corporation thereof, under this contract, a penalty of five dollars ~~(\$5.00)~~ **(\$5)** for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of the contract; and

(d) That this contract may be ~~cancelled~~ **canceled** or terminated by the state ~~of Indiana~~ or by any municipal corporation thereof, and all money due or to become due hereunder may be forfeited, for a second or any subsequent violation of the terms or conditions of this section of the contract.

SECTION 7. IC 7.1-3-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) Notwithstanding any other law, a beer retailer may limit sales to the following:

(1) Persons that the retailer selects to have access to the retailer's facilities and services in return for payment of an annual fee to the retailer.

(2) Guests of a person described in subdivision (1).

(b) A beer retailer may call the annual fee described in subsection (a) a membership fee.

(c) A beer retailer may call the retailer's premises a club. However, the premises is not a club within the meaning of IC 7.1-3-20-1.

(d) This section does not allow a beer retailer to discriminate among persons on the basis of race, sex, age, **sexual orientation, gender identity**, or religion when selecting persons to have access to the retailer's facilities and services.

SECTION 8. IC 7.1-3-9-9.5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9.5. (a) Notwithstanding any other law, a liquor retailer may limit sales to the following:

(1) Persons that the retailer selects to have access to the retailer's facilities and services in return for payment of an annual fee to the retailer.

(2) Guests of a person described in subdivision (1).

(b) A liquor retailer may call the annual fee described in subsection (a) a membership fee.

(c) A liquor retailer may call the retailer's premises a club. However, the premises is not a club within the meaning of IC 7.1-3-20-1.

(d) This section does not allow a liquor retailer to discriminate among persons on the basis of race, sex, **sexual orientation, gender identity**, age, or religion when selecting persons to have access to the retailer's facilities and services.

SECTION 9. IC 7.1-3-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) Notwithstanding any other law, a wine retailer may limit sales to the following:

(1) Persons that the retailer selects to have access to the retailer's facilities and services in return for payment of an annual fee to the retailer.

(2) Guests of a person described in subdivision (1).

(b) A wine retailer may call the annual fee described in subsection (a) a membership fee.

(c) A wine retailer may call the retailer's premises a club. However, the premises is not a club within the meaning of IC 7.1-3-20-1.

(d) This section does not allow a wine retailer to discriminate among persons on the basis of race, sex, **sexual orientation, gender identity**, age, or religion when selecting persons to have access to the retailer's facilities and services.

SECTION 10. IC 8-23-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The department may hire qualified individuals to carry out its responsibilities subject to the budget agency's approval under IC 4-12-1-13 and may prescribe their terms and conditions of employment subject to this section.

(b) All employees of the department whose duties require specialized knowledge or skill, acquired by professional or technical education, training, and experience:

(1) shall be employed solely on the basis of ability, taking into account their qualifications to perform the duties of their positions;

(2) shall be employed regardless of political affiliation;

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(3) may not be appointed, promoted, reduced, removed, or in any way favored or discriminated against because of their political affiliation, race, religion, color, sex, **sexual orientation, gender identity**, national origin, or ancestry;

(4) are ineligible to hold, or be a candidate for, elected office (as defined in IC 3-5-2-17) while employed by the department, except as provided in subsection (h);

(5) may not solicit or receive political contributions;

(6) may not be required to make contributions for or participate in political activities;

(7) shall be employed on a six (6) month probationary period, with a written evaluation prepared after five (5) months of service by their immediate supervisor for the commissioner to determine if employment should continue beyond the probationary period; and

(8) shall be evaluated annually in writing by their immediate supervisor for the purpose of advising the commissioner as to whether the employees should remain in their positions.

(c) Highway district managers are and subdistrict superintendents are not subject to subsection (b). A person may not be employed by the department as a highway subdistrict superintendent unless the person has received training or experience in maintaining or constructing roads, highways, and bridges. Highway subdistrict superintendents shall devote full time to the performance of their duties. Highway district managers serve at the pleasure of the commissioner but upon reassignment shall be retained in a position of equal or higher job classification within the department. However, the employee may elect to serve in the next lower job classification within the same district.

(d) The appointment or dismissal of the chief highway engineer for the department is at the discretion of the commissioner. The chief highway engineer must be a registered professional engineer and must be a graduate civil engineer or have at least ten (10) years of experience in highway engineering.

(e) All employees of the department are subject to IC 4-15-1.8 and the rules that implement IC 4-15-1.8.

(f) Subject to this section:

(1) all employees of the department are subject to demotion, discipline, dismissal, or transfer at the discretion of the commissioner; and

(2) cause for demotion, dismissal, discipline, or transfer may include but is not limited to failure to satisfactorily effectuate the department's transportation plan and work programs.

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(g) The commissioner may:

(1) require an employee or agent of the department to execute and furnish a bond conditioned upon the faithful discharge and performance of the duties of the employee or agent and the accurate accounting of public funds that come into the employee's or agent's control or custody; and

(2) prescribe an oath of employment for an employee or agent of the department.

(h) Employees described in subsection (b) may:

(1) be candidates for:

(A) school board office (as defined in IC 3-5-2-45); or

(B) precinct committeeman or state convention delegate; and serve in that office if elected; and

(2) be appointed to an office described in subdivision (1) and serve in that office if appointed.

SECTION 11. IC 10-13-3-1, AS ADDED BY P.L.2-2003, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. As used in this chapter, "bias crime" means an offense in which the person who commits the offense knowingly or intentionally:

(1) selected the person who was injured; or

(2) damaged or otherwise affected property;

by the offense because of the color, creed, disability, national origin, race, religion, ~~or~~ sexual orientation, **or gender identity** of the injured person or of the owner or occupant of the affected property or because the injured person or owner or occupant of the affected property was associated with any other recognizable group or affiliation.

SECTION 12. IC 12-20-5.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) The township trustee shall process all applications for ~~poor relief~~ **township assistance** according to uniform written standards and without consideration of the race, creed, nationality, ~~or~~ gender, **sexual orientation, or gender identity** of the applicant or any member of the applicant's household.

(b) The township's standards for the issuance of ~~poor relief~~ **township assistance** and the processing of applications must be:

(1) governed by the requirements of this article;

(2) proposed by the township trustee, adopted by the township board, and filed with the board of county commissioners;

(3) reviewed and updated annually to reflect changes in the cost of basic necessities in the township and changes in the law;

(4) published in a single written document, including addenda

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1 attached to the document; and

2 (5) posted in a place prominently visible to the public in all
3 offices of the township trustee where ~~poor relief township~~
4 **assistance** applications are taken or processed.

5 SECTION 13. IC 12-30-3-14 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. (a) Admission of all
7 patients and residents to the county home must be on a voluntary basis
8 and without regard to race, religion, color, sex, **sexual orientation,**
9 **gender identity,** national origin, or ancestry.

10 (b) Recipients of old age assistance and blind assistance shall be
11 admitted to the county home on the same basis and for the same charge
12 as other patients and residents in the county home. There may be no
13 discrimination in the care and treatment of patients and residents of the
14 county home because of the source of the money for the support and
15 care of the patients and residents.

16 SECTION 14. IC 12-30-7-32 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 32. Discrimination may
18 not be made in accommodation, care, or treatment of any patient at a
19 health center established under this chapter because of race, creed,
20 national origin, **sexual orientation, gender identity,** or ability to pay.

21 SECTION 15. IC 16-23-1-21 IS AMENDED TO READ AS
22 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 21. (a) The hospital
23 may not discriminate among patients due to the following:

- 24 (1) Race, color, **sexual orientation, gender identity,** or sex.
- 25 (2) Occupational, economic, or social status.
- 26 (3) Political or religious belief or the lack of political or religious
27 belief.

28 (b) The hospital must also be open to all licensed physicians of the
29 county and the patients of licensed physicians on equal terms and under
30 uniform rules.

31 SECTION 16. IC 20-1-19-14 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. (Suspension) The
33 accreditation shall be suspended at any time when any accredited
34 postsecondary proprietary educational institution denies enrollment to
35 any pupil, or makes any distinction or classification of pupils on the
36 basis of race, color, ~~or~~ creed, **sexual orientation, or gender identity.**

37 SECTION 17. IC 20-5.5-2-2, AS ADDED BY P.L.100-2001,
38 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2004]: Sec. 2. A charter school is subject to all federal and
40 state laws and constitutional provisions that prohibit discrimination on
41 the basis of the following:

- 42 (1) Disability.

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- (2) Race.
- (3) Color.
- (4) Gender.
- (5) National origin.
- (6) Religion.
- (7) Ancestry.
- (8) Sexual orientation.**
- (9) Gender identity.**

SECTION 18. IC 20-8.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. Policy. It is the public policy of the state ~~of Indiana~~ to:

- ~~(a) To~~ **(1)** provide, furnish and make available equal, non-segregated, non-discriminatory educational opportunities and facilities for all regardless of race, creed, national origin, color, or sex, **sexual orientation, or gender identity**;
- ~~(b) to~~ **(2)** provide and furnish public schools and common schools equally open to all and prohibited and denied to none because of race, creed, color, or national origin;
- ~~(c) to~~ **(3)** reaffirm the principles of our bill of rights, civil rights, and our Constitution;
- ~~(d) to~~ **(4)** provide for the state of Indiana and its citizens a uniform democratic system of public and common school education;
- ~~(e) to~~ **(5)** abolish, eliminate, and prohibit segregated and separate schools or school districts on the basis of race, creed or color; and
- ~~(f) To~~ **(6)** eliminate and prohibit segregation, separation, and discrimination on the basis of race, color, or creed in the public kindergartens, common schools, public schools, vocational schools, colleges, and universities of the state.

SECTION 19. IC 20-8.1-2-3, AS AMENDED BY P.L.112-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) Neither the governing body of any school corporation nor the board of trustees of any college or university shall build or erect, establish, maintain, continue, or permit any segregated or separate public kindergartens, public schools or districts, public school departments or divisions, or colleges or universities on the basis of race, color, creed, **sexual orientation, gender identity**, or national origin of pupils or students. These officials may take any affirmative actions that are reasonable, feasible, and practical to effect greater integration and to reduce or prevent segregation or separation of races in public schools for whatever cause. These actions may include, but are not limited to, site selection, revision of school districts, curricula, or enrollment policies to implement equalization of educational

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1 opportunity for all.

2 (b) A school corporation shall review the school corporation's
3 programs to determine if the school corporation's practices of:

4 (1) separating students by ability;

5 (2) placing students into educational tracks; or

6 (3) using test results to screen students;

7 have the effect of systematically separating students by race, color,
8 creed, national origin, ~~or~~ socioeconomic class, **sexual orientation, or**
9 **gender identity.**

10 SECTION 20. IC 20-8.1-2-4 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. Segregation
12 Prohibited, Pupils. All students and pupils shall be admitted and
13 enrolled in the public or common school in the district in which they
14 reside without regard to race, creed or color, class, **sexual orientation,**
15 **gender identity,** or national origin. No student or pupil shall be
16 prohibited, segregated, or denied attendance or enrollment to any
17 public school, common school, junior high school, or high school in ~~his~~
18 **the student's** district, or any college or university in ~~the state Indiana~~
19 because of ~~his the student's~~ race, creed, color, **sexual orientation,**
20 **gender identity,** or national origin. Every student and every pupil shall
21 be free to attend any public school, department or division of a public
22 school, or college or university in ~~the state Indiana~~ within the laws
23 applicable alike to noncitizen and nonresident students.

24 SECTION 21. IC 20-8.1-2-5 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. Segregation
26 Prohibited, Schools. No public school, state college, or state university
27 shall segregate, separate, or discriminate against any of its students on
28 the basis of race, creed, ~~or~~ color, **sexual orientation, or gender**
29 **identity.** Admission to any public school shall not be approved or
30 denied on the basis of race, creed, **sexual orientation, gender identity,**
31 or color.

32 SECTION 22. IC 20-8.1-2-6 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. Segregation
34 Prohibited, Teachers. No public school, state college, or state university
35 shall discriminate in any way in hiring, upgrading, tenure, or placement
36 of any teacher on the basis of race, creed, color, ~~or~~ national origin,
37 **sexual orientation, or gender identity.**

38 SECTION 23. IC 20-12-14.5-3 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) A student who
40 applies for admission to the academy must:

41 (1) be eligible to attend a public school in Indiana;

42 (2) demonstrate exceptional intellectual ability; and

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(3) demonstrate a commitment to scholarship.

(b) A student shall be admitted without regard to sex, race, religion, creed, national origin, **sexual orientation, gender identity**, or household income.

SECTION 24. IC 20-12-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. (a) The commission shall:

(1) prepare and supervise the issuance of public information concerning this chapter;

(2) prescribe the form and regulate the submission of applications for higher education awards;

(3) conduct such conferences and interviews with applicants as may be appropriate;

(4) determine the eligibility of applicants;

(5) select qualified applicants;

(6) determine the respective amounts of, and award, the appropriate higher education awards;

(7) determine eligibility for, and award, annual renewals of higher education awards;

(8) act as the designated state agency for participation in any federal program for reinsurance of student loans; and

(9) adopt rules under IC 4-22-2 to develop standards that govern the denial of assistance to higher education award applicants and recipients under section 7.6 of this chapter.

(b) The commission may:

(1) make such rules as may be necessary to carry out its functions under this chapter; and

(2) appoint advisory boards as it considers necessary.

(c) The commission shall exercise its functions without regard to an applicant's race, creed, sex, **sexual orientation, gender identity**, color, national origin, or ancestry.

SECTION 25. IC 20-12-21-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5.1. (a) In addition to the duties described in section 5(a) of this chapter, the commission shall do the following:

(1) Prepare and supervise the issuance of public information concerning all of the commission's programs.

(2) Prescribe the form and regulate the submission of applications for all of the commission's programs.

(3) Determine the amounts of grants and scholarships.

(4) Determine eligibility for grants and scholarships.

(5) Receive federal funds made available to the commission for

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awards, grants, and scholarships, and disburse these funds in the manner prescribed by federal law.

(b) In addition to the powers described in section 5(b) of this chapter, the commission may do the following:

(1) Accept gifts, grants, devises, or bequests for the purpose of providing grants, awards, scholarships, loans, or other forms of financial aid to students attending approved institutions of higher learning.

(2) Enter into contracts, subject to IC 4-13-2, that the commission determines are necessary to carry out the commission's functions.

(3) Provide administrative or technical assistance to other governmental or nongovernmental entities if the provision of this assistance will increase the number and value of grants, awards, scholarships, or loans available to students attending approved institutions of higher learning.

(c) When the commission receives an offer of a gift, grant, devise, or bequest under subsection (b)(1), the commission may accept stipulations on the use of the donated funds. In this case, sections 7(d) and 17 of this chapter do not apply. Before accepting a gift, grant, devise, or bequest, the commission shall determine that the purposes for which a donor proposes to provide funds are:

(1) lawful;

(2) in the state's best interests; and

(3) generally consistent with the commission's programs and purposes.

Whenever the commission agrees to stipulations on the use of donated funds under this subsection, the commission and the donor shall, subject to approval by the state budget agency and the governor or the governor's designee, execute an agreement.

(d) Whenever the commission agrees to provide administrative or technical assistance under subsection (b)(3), the commission and the party to whom the assistance is to be provided shall execute an agreement specifying:

(1) the assistance that is to be provided; and

(2) the charges, if any, that are to be assessed by the commission for providing this assistance.

The commission may waive charges for administrative or technical assistance under this subsection if the commission determines that a waiver is in the best interest of the state. Agreements to provide assistance under this subsection must be approved by the budget agency and the governor or the governor's designee.

(e) The commission shall exercise its functions without regard to an

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applicant's race, creed, sex, **sexual orientation, gender identity**, color, national origin, or ancestry.

SECTION 26. IC 21-2-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) The trustee, with the advice and consent of the township board, shall use such "seminary lands school account" for the following educational purposes:

(1) Each year the trustee shall pay to the parent or legal guardian of any child, whose residence is within said township, initial cost for the rental of textbooks used in any elementary or secondary school which has been ~~duly~~ accredited by the state. ~~of Indiana.~~ Such reimbursement for the rental of ~~school books~~ **textbooks** shall be for the initial yearly rental charge only, and books subsequently lost or destroyed shall not be paid for from this account.

(2) Students who are residents of said township for the last two (2) years of their secondary education and who still reside within said township shall receive financial assistance in an amount not to exceed an amount determined by the trustee and the township board during an annual review of higher education fees and tuition costs of post-high school education at any accredited college, university, junior college, or vocational or trade school. Amounts to be paid to each eligible student shall be set annually following this review. The amount so paid each year shall be equitable for every eligible student without regard to race, religion, creed, sex, **sexual orientation, gender identity**, disability, or national origin and must be based on the number of students and the amount of funds available each year.

(3) A person who has been a permanent resident of the township continuously for at least two (2) years and who needs educational assistance for job training or retraining may apply to the trustee of the township for financial assistance. The trustee and the township board shall review each application and make assistance available according to the need of each applicant and the availability of funds.

(4) If all the available funds are not used in any one (1) year, said unused funds shall be retained in said account by the trustee for use in succeeding years.

(b) The bond required by law for the trustee shall be increased by an amount equal to the sum of the seminary township school fund and the average annual rental income from said seminary lands.

(c) All funds and accounts provided in this chapter and the accumulation thereof shall be periodically audited and examined in the

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1 same manner provided by law for public money.

2 (d) All expenditures and payments made under this chapter shall be
3 made only after necessary expenditures for the protection and
4 maintenance of the seminary land in good and safe condition are first
5 made from the annual rental income.

6 SECTION 27. IC 22-9-1-2 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. (a) It is the public
8 policy of the state to provide all of its citizens equal opportunity for
9 education, employment, access to public conveniences and
10 accommodations, and acquisition through purchase or rental of real
11 property, including but not limited to housing, and to eliminate
12 segregation or separation based solely on race, religion, color, sex,
13 **sexual orientation, gender identity**, disability, national origin, or
14 ancestry, since such segregation is an impediment to equal opportunity.
15 Equal education and employment opportunities and equal access to and
16 use of public accommodations and equal opportunity for acquisition of
17 real property are hereby declared to be civil rights.

18 (b) The practice of denying these rights to properly qualified
19 persons by reason of the race, religion, color, sex, **sexual orientation,**
20 **gender identity**, disability, national origin, or ancestry of such person
21 is contrary to the principles of freedom and equality of opportunity and
22 is a burden to the objectives of the public policy of this state and shall
23 be considered as discriminatory practices. The promotion of equal
24 opportunity without regard to race, religion, color, sex, **sexual**
25 **orientation, gender identity**, disability, national origin, or ancestry
26 through reasonable methods is the purpose of this chapter.

27 (c) It is also the public policy of this state to protect employers,
28 labor organizations, employment agencies, property owners, real estate
29 brokers, builders, and lending institutions from unfounded charges of
30 discrimination.

31 (d) It is hereby declared to be contrary to the public policy of the
32 state and an unlawful practice for any person, for profit, to induce or
33 attempt to induce any person to sell or rent any dwelling by
34 representations regarding the entry or prospective entry into the
35 neighborhood of a person or persons of a particular race, religion,
36 color, sex, **sexual orientation, gender identity**, disability, national
37 origin, or ancestry.

38 (e) The general assembly recognizes that on February 16, 1972,
39 there are institutions of learning in Indiana presently and traditionally
40 following the practice of limiting admission of students to males or to
41 females. It is further recognized that it would be unreasonable to
42 impose upon these institutions the expense of remodeling facilities to

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1 accommodate students of both sexes, and that educational facilities of
 2 similar quality and type are available in coeducational institutions for
 3 those students desiring such facilities. It is further recognized that this
 4 chapter is susceptible of interpretation to prevent these institutions
 5 from continuing their traditional policies, a result not intended by the
 6 general assembly. Therefore, the amendment effected by Acts 1972,
 7 P.L.176, is desirable to permit the continuation of the policies
 8 described.

9 (f) This chapter shall be construed broadly to effectuate its purpose.

10 SECTION 28. IC 22-9-1-3 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. As used in this
 12 chapter:

13 (a) "Person" means one (1) or more individuals, partnerships,
 14 associations, organizations, limited liability companies, corporations,
 15 labor organizations, cooperatives, legal representatives, trustees,
 16 trustees in bankruptcy, receivers, and other organized groups of
 17 persons.

18 (b) "Commission" means the civil rights commission created under
 19 section 4 of this chapter.

20 (c) "Director" means the director of the civil rights commission.

21 (d) "Deputy director" means the deputy director of the civil rights
 22 commission.

23 (e) "Commission attorney" means the deputy attorney general, such
 24 assistants of the attorney general as may be assigned to the
 25 commission, or such other attorney as may be engaged by the
 26 commission.

27 (f) "Consent agreement" means a formal agreement entered into in
 28 lieu of adjudication.

29 (g) "Affirmative action" means those acts that the commission
 30 determines necessary to assure compliance with the Indiana civil rights
 31 law.

32 (h) "Employer" means the state or any political or civil subdivision
 33 thereof and any person employing six (6) or more persons within the
 34 state, except that the term "employer" does not include:

35 (1) any nonprofit corporation or association organized exclusively
 36 for fraternal or religious purposes;

37 (2) any school, educational, or charitable religious institution
 38 owned or conducted by or affiliated with a church or religious
 39 institution; or

40 (3) any exclusively social club, corporation, or association that is
 41 not organized for profit.

42 (i) "Employee" means any person employed by another for wages or

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salary. However, the term does not include any individual employed:

- (1) by ~~his~~ **the individual's** parents, spouse, or child; or
- (2) in the domestic service of any person.

(j) "Labor organization" means any organization that exists for the purpose in whole or in part of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment or for other mutual aid or protection in relation to employment.

(k) "Employment agency" means any person undertaking with or without compensation to procure, recruit, refer, or place employees.

(l) "Discriminatory practice" means:

- (1) the exclusion of a person from equal opportunities because of race, religion, color, sex, **sexual orientation, gender identity**, disability, national origin, or ancestry;
- (2) a system that excludes persons from equal opportunities because of race, religion, color, sex, **sexual orientation, gender identity**, disability, national origin, or ancestry;
- (3) the promotion of racial segregation or separation in any manner, including but not limited to the inducing of or the attempting to induce for profit any person to sell or rent any dwelling by representations regarding the entry or prospective entry in the neighborhood of a person or persons of a particular race, religion, color, sex, **sexual orientation, gender identity**, disability, national origin, or ancestry; or
- (4) a violation of IC 22-9-5 that occurs after July 25, 1992, and is committed by a covered entity (as defined in IC 22-9-5-4).

Every discriminatory practice relating to the acquisition or sale of real estate, education, public accommodations, employment, or the extending of credit (as defined in IC 24-4.5-1-301) shall be considered unlawful unless it is specifically exempted by this chapter.

(m) "Public accommodation" means any establishment that caters or offers its services or facilities or goods to the general public.

(n) "Complainant" means:

- (1) any individual charging on ~~his~~ **the individual's** own behalf to have been personally aggrieved by a discriminatory practice; or
- (2) the director or deputy director of the commission charging that a discriminatory practice was committed against a person other than ~~himself~~ **the person** or a class of people, in order to vindicate the public policy of the state (as defined in section 2 of this chapter).

(o) "Complaint" means any written grievance that is:

- (1) sufficiently complete and filed by a complainant with the commission; or

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(2) filed by a complainant as a civil action in the circuit or superior court having jurisdiction in the county in which the alleged discriminatory practice occurred.

The original of any complaint filed under subdivision (1) shall be signed and verified by the complainant.

(p) "Sufficiently complete" refers to a complaint that includes:

- (1) the full name and address of the complainant;
- (2) the name and address of the respondent against whom the complaint is made;
- (3) the alleged discriminatory practice and a statement of particulars thereof;
- (4) the date or dates and places of the alleged discriminatory practice and if the alleged discriminatory practice is of a continuing nature the dates between which continuing acts of discrimination are alleged to have occurred; and
- (5) a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance alleged in the complaint, together with a statement as to the status or disposition of the other action.

No complaint shall be valid unless filed within one hundred eighty (180) days from the date of the occurrence of the alleged discriminatory practice.

(q) "Sex" as it applies to segregation or separation in this chapter applies to all types of employment, education, public accommodations, and housing. However:

- (1) it shall not be a discriminatory practice to maintain separate restrooms;
- (2) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, a labor organization, or a joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any other individual in any program on the basis of sex in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise; and
- (3) it shall not be a discriminatory practice for a private or religious educational institution to continue to maintain and enforce a policy of admitting students of one (1) sex only.

(r) "Disabled" or "disability" means the physical or mental condition

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1 of a person that constitutes a substantial disability. In reference to
 2 employment, under this chapter, "disabled or disability" also means the
 3 physical or mental condition of a person that constitutes a substantial
 4 disability unrelated to the person's ability to engage in a particular
 5 occupation.

6 SECTION 29. IC 22-9-1-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) The commission
 8 shall establish and maintain a permanent office in ~~the city of~~
 9 Indianapolis.

10 (b) The commission may appoint such attorneys and other
 11 employees and agents as it considers necessary, fix their compensation
 12 within the limitation provided by law, and prescribe their duties. All
 13 these employees, with the exception of the executive director and
 14 attorneys, shall be appointed by the commission from eligible lists to
 15 be promulgated by the department of personnel as the result of a
 16 competitive examination held under IC 4-15-2 and rules of the
 17 department and on the basis of training, practical experience,
 18 education, and character. However, special consideration and due
 19 weight shall be given to the practical experience and training that a
 20 person may have for the particular position involved regardless of ~~his~~
 21 **the person's** academic training. Promotions, suspensions, and removal
 22 of persons appointed from such lists shall be in accordance with
 23 IC 4-15-2. The reasonable and necessary traveling expenses of each
 24 employee of the commission while actually engaged in the performance
 25 of duties in behalf of the commission shall be paid in accordance with
 26 the state travel policies and procedures established by the Indiana
 27 department of administration and approved by the budget agency.

28 (c) Except as it concerns judicial review, the commission may adopt
 29 rules under IC 4-22-2 to implement this chapter.

30 (d) The commission shall formulate policies to effectuate the
 31 purposes of this chapter and make recommendations to agencies and
 32 officers of the state or local subdivisions thereof to effectuate such
 33 policies. The several departments, commissions, divisions, authorities,
 34 boards, bureaus, agencies, and officers of the state or any political
 35 subdivision or agency thereof shall furnish the commission, upon its
 36 request, all records, papers, and information in their possession relating
 37 to any matter before the commission.

38 (e) The commission shall receive and investigate complaints
 39 alleging discriminatory practices. The commission shall not hold
 40 hearings in the absence of a complaint. All investigations of complaints
 41 shall be conducted by staff members of the civil rights commission or
 42 their agents.

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(f) The commission may create such advisory agencies and conciliation councils, local or statewide, as will aid in effectuating the purposes of this chapter. The commission may itself, or it may empower these agencies and councils to:

(1) study the problems of discrimination in the areas covered by section 2 of this chapter when based on race, religion, color, sex, **sexual orientation, gender identity**, handicap, national origin, or ancestry; and

(2) foster through community effort, or otherwise, good will among the groups and elements of the population of ~~the state~~.

Indiana.

These agencies and councils may make ~~recommendation~~ **recommendations** to the commission for the development of policies and procedures in general. Advisory agencies and conciliation councils created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for reasonable and necessary actual expenses.

(g) The commission may issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, religion, color, sex, **sexual orientation, gender identity**, handicap, national origin, or ancestry.

(h) The commission shall prevent any person from discharging, expelling, or otherwise discriminating against any other person because ~~he the person~~ filed a complaint, testified in any hearing before this commission, or in any way assisted the commission in any matter under its investigation.

(i) The commission may hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and require the production for examination of any books and papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners. Contumacy or refusal to obey a subpoena issued under this section shall constitute a contempt. All hearings shall be held within Indiana at a location determined by the commission. A citation of contempt may be issued upon application by the commission to the circuit or superior court in the county in which the hearing is held or in which the witness resides or transacts business.

(j) The commission may appoint administrative law judges other than commissioners, when an appointment is deemed necessary by a majority of the commission. The administrative law judges shall be

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1 members in good standing before the bar of Indiana and shall be
 2 appointed by the chairman of the commission. An administrative law
 3 judge appointed under this subsection shall have the same powers and
 4 duties as a commissioner sitting as an administrative law judge.
 5 However, the administrative law judge may not issue subpoenas.

6 (k) The commission shall state its findings of fact after a hearing
 7 and, if the commission finds a person has engaged in an unlawful
 8 discriminatory practice, shall cause to be served on this person an order
 9 requiring the person to cease and desist from the unlawful
 10 discriminatory practice and requiring the person to take further
 11 affirmative action as will effectuate the purposes of this chapter,
 12 including but not limited to the power:

13 (A) to restore complainant's losses incurred as a result of
 14 discriminatory treatment, as the commission may deem necessary
 15 to assure justice. However, this specific provision when applied
 16 to orders pertaining to employment shall include only wages,
 17 salary, or commissions;

18 (B) to require the posting of notice setting forth the public policy
 19 of Indiana concerning civil rights and respondent's compliance
 20 with the policy in places of public accommodations;

21 (C) to require proof of compliance to be filed by respondent at
 22 periodic intervals; and

23 (D) to require a person who has been found to be in violation of
 24 this chapter and who is licensed by a state agency authorized to
 25 grant a license to show cause to the licensing agency why ~~his~~ **the**
 26 **person's** license should not be revoked or suspended.

27 (l) Judicial review of a cease and desist order or other affirmative
 28 action as referred to in this chapter may be obtained under IC 22-9-8.
 29 If no proceeding to obtain judicial review is instituted within thirty (30)
 30 days from receipt of notice by a person that an order has been made by
 31 the commission, the commission, if it determines that the person upon
 32 whom the cease and desist order has been served is not complying or
 33 is making no effort to comply, may obtain a decree of a court for the
 34 enforcement of the order in circuit or superior court upon showing that
 35 the person is subject to the commission's jurisdiction and resides or
 36 transacts business within the county in which the petition for
 37 enforcement is brought.

38 (m) If, upon all the evidence, the commission shall find that a
 39 person has not engaged in any unlawful practice or violation of this
 40 chapter, the commission shall state its findings of facts and shall issue
 41 and cause to be served on the complainant an order dismissing the
 42 complaint as to the person.

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(n) The commission may furnish technical assistance requested by persons subject to this chapter to further compliance with this chapter or with an order issued thereunder.

(o) The commission shall promote the creation of local civil rights agencies to cooperate with individuals, neighborhood associations, and state, local, and other agencies, both public and private, including agencies of the federal government and of other states.

(p) The commission may reduce the terms of conciliation agreed to by the parties to writing (to be called a consent agreement) that the parties and a majority of the commissioners shall sign. When signed, the consent agreement shall have the same effect as a cease and desist order issued under subsection (k). If the commission determines that a party to the consent agreement is not complying with it, the commission may obtain enforcement of the consent agreement in a circuit or superior court upon showing that the party is not complying with the consent agreement and the party is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(q) In lieu of investigating a complaint and holding a hearing under this section, the commission may issue an order based on findings and determinations by the federal Department of Housing and Urban Development or the federal Equal Employment Opportunity Commission concerning a complaint that has been filed with one (1) of these federal agencies and with the commission. The commission shall adopt by rule standards under which the commission may issue such an order.

(r) Upon notice that a complaint is the subject of an action in a federal court, the commission shall immediately cease investigation of the complaint and may not conduct hearings or issue findings of fact or orders concerning that complaint.

SECTION 30. IC 22-9-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. Every contract to which the state or any of its political or civil subdivisions is a party, including franchises granted to public utilities, shall contain a provision requiring the contractor and ~~his~~ **the contractor's** subcontractors not to discriminate against any employee or applicant for employment to be employed in the performance of such contract, with respect to ~~his~~ **the employee's or applicant's** hire, tenure, terms, conditions, or privileges of employment or any matter directly or indirectly related to employment, because of ~~his~~ **the employee's or applicant's** race, religion, color, sex, **sexual orientation, gender identity**, disability, national origin, or ancestry. Breach of this covenant may be regarded

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as a material breach of the contract.

SECTION 31. IC 22-9-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. In addition to its power to investigate the discriminatory practices referred to in this chapter, the commission may receive written complaints of violation of this chapter or other discriminatory practices based upon race, religion, color, sex, **sexual orientation, gender identity**, national origin, or ancestry and to investigate such complaints as it deems meritorious, or to conduct such investigation in the absence of complaints whenever it deems it in the public interest. It may transmit to the general assembly its recommendations for legislation designed to aid in the removing of such discrimination.

SECTION 32. IC 22-9-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. Nothing contained herein shall be deemed to repeal any of the provisions of any law of this state relating to discrimination because of age, race or color, religion, **sexual orientation, gender identity**, or country of ancestral origin. Nothing herein shall be deemed to limit, restrict or affect the freedom of any employer in regard to:

(a) (1) fixing compulsory retirement requirements for any class of employees at an age or ages less than seventy (70) years;

(b) (2) fixing eligibility requirements for participation in, or enjoyment by employees of, benefits under any annuity plan or pension or retirement plan on the basis that any employee may be excluded from eligibility therefor who, at the time ~~he~~ **the employee** would otherwise become eligible for such benefits, is older than the age fixed in such eligibility requirements; or

(c) (3) keeping age records for any such purposes.

SECTION 33. IC 22-9.5-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. This article does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, **sexual orientation, gender identity**, disability, familial status, or national origin.

SECTION 34. IC 22-9.5-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) A person may not refuse to sell or to rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, **sexual orientation, gender identity**, familial status, disability, or national origin.

(b) A person may not discriminate against any person in the terms,

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conditions, or privileges of sale or rental of a dwelling, or in providing services or facilities in connection with the sale or rental of a dwelling, because of race, color, religion, sex, **sexual orientation, gender identity**, familial status, disability, or national origin.

(c) This section does not prohibit discrimination against a person because the person has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

SECTION 35. IC 22-9.5-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. A person may not make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, **sexual orientation, gender identity**, disability, familial status, or national origin, or an intention to make such a preference, limitation, or discrimination.

SECTION 36. IC 22-9.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. A person may not represent to any person because of race, color, religion, sex, **sexual orientation, gender identity**, disability, familial status, or national origin that a dwelling is not available for inspection for sale or rental when the dwelling is available for inspection.

SECTION 37. IC 22-9.5-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. A person may not, for profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person of a particular race, color, religion, sex, **sexual orientation, gender identity**, disability, familial status, or national origin.

SECTION 38. IC 22-9.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) As used in this section, "residential real estate related transaction" means the following:

(1) Making or purchasing loans or providing other financial assistance:

(A) to purchase, construct, improve, repair, or maintain a dwelling; or

(B) to secure residential real estate.

(2) Selling, brokering, or appraising residential real property.

(b) A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available or in the terms or

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conditions of a real estate related transaction because of race, color, religion, sex, **sexual orientation, gender identity**, disability, familial status, or national origin.

SECTION 39. IC 22-9.5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. A person may not deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, sex, **sexual orientation, gender identity**, disability, familial status, or national origin.

SECTION 40. IC 22-9.5-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. A person commits a Class A misdemeanor if the person, whether or not acting under color of law, by force or threat of force intentionally intimidates or interferes with or attempts to intimidate or interfere with a person:

(1) because of the person's race, color, religion, sex, **sexual orientation, gender identity**, disability, familial status, or national origin and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in a service, organization, or facility relating to the business of selling or renting dwellings; or

(2) because the person is or has been, or to intimidate the person from:

(A) participating, without discrimination because of race, color, religion, sex, **sexual orientation, gender identity**, disability, familial status, or national origin, in an activity, a service, an organization, or a facility described in subdivision (1);

(B) affording another person opportunity or protection to participate in an activity, a service, an organization, or a facility described in subdivision (1); or

(C) lawfully aiding or encouraging other persons to participate, without discrimination because of race, color, religion, sex, **sexual orientation, gender identity**, disability, familial status, or national origin, in an activity, a service, an organization, or a facility described in subdivision (1).

SECTION 41. IC 27-7-12-7, AS ADDED BY P.L.203-2001,

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SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. Termination of property insurance coverage by an insurer is prohibited if the termination is based on any of the following:

(1) Upon the race, religion, nationality, ethnic group, age, sex, **sexual orientation, gender identity**, or marital status of the applicant or named insured.

(2) Solely upon the lawful occupation or profession of the applicant or named insured. However, this subdivision does not apply to an insurer that limits its market to one (1) lawful occupation or profession or to several related lawful occupations or professions.

(3) Upon the age or location of the residence of the applicant or named insured, unless that decision is for a business purpose that is not a mere pretext for a decision based on factors prohibited in this chapter or any other provision of this title.

(4) Upon the fact that another insurer previously declined to insure the applicant or terminated an existing policy in which the applicant was the named insured.

(5) Upon the fact that the applicant or named insured previously obtained insurance coverage through a residual market insurance mechanism.

SECTION 42. IC 33-4-5-7, AS AMENDED BY P.L.195-2003, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. (a) A person shall be excused from acting as a juror if the person:

(1) is over sixty-five (65) years of age;

(2) is a member in active service of the armed forces of the United States;

(3) is an elected or appointed official of the executive, legislative, or judicial branches of government of:

(A) the United States;

(B) Indiana; or

(C) a unit of local government;

who is actively engaged in the performance of the person's official duties;

(4) is a member of the general assembly who makes the request to be excused before being sworn as a juror;

(5) is an honorary military staff officer appointed by the governor under IC 10-16-2-5;

(6) is an officer or enlisted person of the guard reserve forces authorized by the governor under IC 10-16-8;

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(7) is a veterinarian licensed under IC 15-5-1.1;
 (8) is serving as a member of the board of school commissioners
 of ~~the city of~~ Indianapolis under IC 20-3-11-2;
 (9) is a dentist licensed under IC 25-14-1;
 (10) is a member of a police or fire department or company under
 IC 36-8-3 or IC 36-8-12; or
 (11) would serve as a juror during a criminal trial and the person
 is:

(A) an employee of the department of correction whose duties
 require contact with inmates confined in a department of
 correction facility; or
 (B) the spouse or child of a person described in clause (A);
 and desires to be excused for that reason.

(b) A prospective juror is disqualified to serve on a jury if any of the
 following conditions exist:

(1) The person is not a citizen of the United States, at least
 eighteen (18) years of age, and a resident of the county.

(2) The person is unable to read, speak, and understand the
 English language with a degree of proficiency sufficient to fill out
 satisfactorily a juror qualification form.

(3) The person is incapable of rendering satisfactory jury service
 due to physical or mental disability. However, a person claiming
 this disqualification may be required to submit a physician's or
 authorized Christian Science practitioner's certificate confirming
 the disability, and the certifying physician or practitioner is then
 subject to inquiry by the court at the court's discretion.

(4) The person is under a sentence imposed for an offense.

(5) A guardian has been appointed for the person under IC 29-3
 because the person has a mental incapacity.

(6) The person has had rights revoked by reason of a felony
 conviction and the rights have not been restored.

(c) A person may not serve as a petit juror in any county if the
 person served as a petit juror in the same county within the previous
 three hundred sixty-five (365) days. The fact that a person's selection
 as a juror would violate this subsection is sufficient cause for
 challenge.

(d) A grand jury, a petit jury, or an individual juror drawn for
 service in one (1) court may serve in another court of the county, in
 accordance with orders entered on the record in each of the courts.

(e) The same petit jurors may be used in civil cases and in criminal
 cases.

(f) A person may not be excluded from jury service on account of

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1 race, color, religion, sex, national origin, **sexual orientation, gender**
 2 **identity**, or economic status.

3 (g) Notwithstanding IC 35-47-2, IC 35-47-2.5, or the restoration of
 4 the right to serve on a jury under this section and except as provided in
 5 subsections (c), (d), and (l), a person who has been convicted of a
 6 crime of domestic violence (as defined in IC 35-41-1-6.3) may not
 7 possess a firearm:

8 (1) after the person is no longer under a sentence imposed for an
 9 offense; or

10 (2) after the person has had the person's rights restored following
 11 a conviction.

12 (h) Not earlier than five (5) years after the date of conviction, a
 13 person who has been convicted of a crime of domestic violence (as
 14 defined in IC 35-41-1-6.3) may petition the court for restoration of the
 15 person's right to possess a firearm. In determining whether to restore
 16 the person's right to possess a firearm, the court shall consider the
 17 following factors:

18 (1) Whether the person has been subject to:

19 (A) a protective order;

20 (B) a no contact order;

21 (C) a workplace violence restraining order; or

22 (D) any other court order that prohibits the person from
 23 possessing a firearm.

24 (2) Whether the person has successfully completed a substance
 25 abuse program, if applicable.

26 (3) Whether the person has successfully completed a parenting
 27 class, if applicable.

28 (4) Whether the person still presents a threat to the victim of the
 29 crime.

30 (5) Whether there is any other reason why the person should not
 31 possess a firearm, including whether the person failed to complete
 32 a specified condition under subsection (d) or whether the person
 33 has committed a subsequent offense.

34 (i) The court may condition the restoration of a person's right to
 35 possess a firearm upon the person's completion of specified conditions.

36 (j) If the court denies a petition for restoration of the right to possess
 37 a firearm, the person may not file a second or subsequent petition until
 38 one (1) year has elapsed.

39 (k) A person has not been convicted of a crime of domestic violence
 40 for purposes of subsection (h) if the conviction has been expunged or
 41 if the person has been pardoned.

42 (l) The right to possess a firearm shall be restored to a person whose

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conviction is reversed on appeal or on post-conviction review at the earlier of the following:

(1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.

(2) Ninety (90) days after the final disposition of the appeal or the post-conviction proceeding.

SECTION 43. IC 33-4-5.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. A citizen shall not be excluded from jury service in counties affected by this chapter on account of race, color, religion, sex, **sexual orientation, gender identity**, national origin, or economic status.

SECTION 44. IC 35-46-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. A person who knowingly or intentionally denies to another person, because of color, creed, disability, national origin, race, religion, or sex, **sexual orientation, gender identity**, the full and equal use of the services, facilities, or goods in:

(1) an establishment that caters or offers its services, facilities, or goods to the general public; or

(2) a housing project owned or subsidized by a governmental entity;

commits a civil rights violation, a Class B misdemeanor.

SECTION 45. IC 35-46-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. A public servant having the duty to select or summon persons for grand jury or trial jury service who knowingly or intentionally fails to select or summon a person because of color, creed, disability, national origin, race, religion, **sexual orientation, gender identity**, or sex commits discrimination in jury selection, a Class A misdemeanor.

SECTION 46. IC 36-9-4-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 37. (a) The board of directors of a public transportation corporation may appoint or employ a general manager, accountants, attorneys, traffic engineers, drivers, clerks, secretaries, guards, laborers, and other employees, and may prescribe and define their duties, regulate their compensation, discharge them, and appoint or employ their successors. Employees shall be selected without regard to race, religion, **sexual orientation, gender identity**, or any personal affiliation. The board shall select the general manager on the basis of his fitness for the position, taking into account ~~his~~ **the individual's** executive ability and ~~his~~ knowledge of and experience in the field of mass public transportation.

(b) The board shall bargain collectively and enter into written

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1 contracts with authorized labor organizations representing employees
2 other than executive, administrative, or professional personnel. These
3 contracts may provide for the binding arbitration of disputes, wages,
4 salaries, hours, working conditions, health and welfare, insurance,
5 vacations, holidays, sick leave, seniority, pensions, retirement, and
6 other benefits.

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